

Committee Clerk: For distribution to the members of the Senate Judiciary Committee. Thank you.

Dear Senator Jones:

I was appalled to read the proposed text of SB 384, an act to greatly expand the authority of the Human Services Department (DHS) by granting police power and arrest authority to investigative agents of the department. It is my understanding that DHS agents currently must call on local or state police department officers if, in the midst of their investigation into an alleged child neglect or endangerment case, the agent determines that a crime may have been committed.

From a due process perspective, DHS agents already hold remarkable power over the families they investigate, including the ability to remove children from the home, potentially for days or weeks, solely on the basis of an anonymous complaint. DHS also has a troubling record with regards to respecting constitutional rights of individuals who happen to fall under their microscope.

One of the only due process protections a family has in this circumstance is the presence of a local or state police officer. These officers are trained to be highly observant, to be objective in judgment, and to de-escalate potentially explosive situations. Because of their training and the nature of their work, police officers also have a depth of understanding of constitutional rights and due process of law that is conspicuous in its absence among most DHS agents.

These officers provide an essential service to the the child, the family, and the cause of justice for all concerned. Such officers serve as a second, objective witness to the circumstances involved; and because of their training and experience they can be a bulwark against abuse of the system by an over-zealous DHS agent who may simply be having a bad day or may have been rubbed the wrong way or personally offended by a parent or guardians perfectly natural defensive posture or words with respect to protecting their child or home.

Of course, the presence of that police officer also protects the DHS agent in the potentially dangerous circumstance where the agent decides to seek the removal of a child from a home.

There is no circumstance where a child in danger would be better served by the absence of an experienced police officer or state trooper.

SB 384 is a terrible bill with grave potential for abuse and unintended consequences. Arresting authority and police power should not be expanded to DHS agents under any circumstances. Please vote "No!" on this flawed and dangerous bill. Thank you for your consideration.

Respectfully submitted,

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Dear Senator Jones:

Thank you for your quick response by phone to my initial letter about SB 384, an act to expand the authority of the Human Services Department (DHS) by granting police power and arrest authority to investigative agents of the department. I'm sorry that I missed your call, but I appreciate your voice mail explanation that the intent of this amendment is limited to giving police power and arrest authority only to DHS agents who investigate retail fraud and other abuse of the department's cash and food assistance programs.

However, I re-read the amendment and the current law, Senator Jones, and did not find this limited purpose spelled out anywhere in the language of the act or amendment. In fact, the amendment offers no impediment that I can perceive to any future DHS Director granting police powers and arrest authority to any DHS agent, who would then, under the current wording of the second sentence of part "(2)," become an agent of the expanded Office of Inspector General.

SB 384 greatly broadens the powers of the Office of Inspector General far beyond its intended scope of investigating "cases of fraud within the department" to "enforcing the general laws of the state as they pertain to the enforcement of this act" (Act 280 of 1939, as amended). As presented, SB 384 appears to create a new state police agency with parallel authority to the Michigan State Police.

That is a very bad idea.

Furthermore, this amendment would appear to divert a significant part of the Office of Inspector General's duties away from internal investigations of fraud and abuse, which is what the office was created to do. This change, if implemented as presented, could easily have the effect of weakening oversight of DHS activities, which is also a very bad idea.

DHS agents investigating food stamp fraud don't need police powers and arrest authority; they need to better coordinate their activities with local police departments and the state police. We don't need a second state police agency.

Regards,

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